

OCT 05 2007

PATENT

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## REMARKS

Claims 9 and 31-40 are pending in the application. Claims 9, 33, 36, and 39 are independent.

The specification has been objected to as failing to provide proper antecedent basis for claim 39 and 40. In response, claims 39 and 40 have been amended as suggested by the examiner.

Claims 9 and 31-40 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,522,075 ("Robinson").

Claim 9 was previously amended to include at least one limitation not disclosed by Robinson, but the examiner has failed to recognize the distinction between the present invention and Robinson that this new limitation provides. Specifically, claim 9 requires "transferring control over the operation to an operating system running within said processor mode in response to the guest software attempting the operation," where said processor mode is the processor mode that enables the guest software to operate at a privilege level intended by the guest software. The examiner argues that this processor mode is disclosed by Robinson in column 14, lines 12-15, which refers to a "VM operating environment" that is also called "VM mode" by Robinson (see column 12, lines 56-57 and Figure 7B).

The examiner also argues (incorrectly) that the "transferring control" limitation of the present invention, quoted above, is disclosed by Robinson. The examiner states:

Robinson teaches that instructions are performed in the VM mode or a VMM mode ... So in the situation when a privileged operation is attempted in the VM mode it transfers control to the operating system of the VMM.

Neither in this interpretation of Robinson, nor anywhere in Robinson, is the "transferring control" limitation of the present invention described. This limitation requires transferring control to an operating system running *within said processor mode* (emphasis added). Robinson does not describe a situation in which guest software, running in VM

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mode, attempts an operation, and control is transferred to an operating system running *within VM mode*. To the contrary, and as recognized by the examiner, control is transferred to the VMM running *in VMM mode*. The VM mode of Robinson and the VMM mode of Robinson are not the same mode.

Therefore, Robinson does not anticipate independent claim 9. Furthermore, each of the remaining independent claims of the present application includes an analogous limitation, also not disclosed by Robinson, and each of the dependent claims of the application includes, based at least on its dependency, at least one limitation not disclosed by Robinson. Accordingly, the withdrawal of the rejections of claims 9 and 31-40 is respectfully requested.

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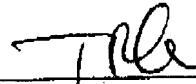
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## CONCLUSION

Based on the foregoing, it is respectfully submitted that the rejections of claims 9 and 31-40 have been overcome, and that claims 9 and 31-40 are in condition for allowance. The issuance of a Notice of Allowance is therefore requested. Please charge any necessary fees, including extension fees, to our Deposit Account No. 50-0221.

Respectfully submitted,

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